

By: Ellis S.B. No. 1201
(In the Senate - Filed March 9, 2005; March 21, 2005, read first time and referred to Committee on State Affairs; April 20, 2005, rereferred to Committee on Government Organization; April 28, 2005, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 0; April 28, 2005, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 1201 By: Nelson

A BILL TO BE ENTITLED
AN ACT

relating to creating an office of civil rights at certain state agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 6, Government Code, is amended by adding Chapter 671 to read as follows:

CHAPTER 671. STATE AGENCY CIVIL RIGHTS OFFICE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 671.001. DEFINITIONS. In this chapter:

(1) "Formal complaint of employment discrimination" means a complaint of employment discrimination against a state agency filed under Chapter 21, Labor Code, Title VII of the Civil Rights Act of 1964 (42 U.S.C. Section 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. Section 621 et seq.), or Title I of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

(2) "Informal complaint of employment discrimination" means an informal complaint of employment discrimination against a state agency that is filed by an employee of the agency with the civil rights office of the agency.

[Sections 671.002-671.050 reserved for expansion]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 671.051. CIVIL RIGHTS OFFICE; DIRECTOR. (a) The following state agencies shall establish a civil rights office in the agency and employ a director of civil rights to administer the office:

(1) the Texas Department of Transportation; and

(2) the Texas Department of Criminal Justice.

(b) The director of civil rights shall report to the head of the state agency or to a deputy of the agency who does not handle formal complaints of employment discrimination.

[Sections 671.052-671.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 671.101. POWERS AND DUTIES OF OFFICE; DIRECTOR.

(a) The director of civil rights of a state agency has exclusive responsibility for investigating and ruling on the merits of an informal complaint of employment discrimination.

(b) The head of a state agency may assign other responsibilities to the civil rights office.

Sec. 671.102. DISPUTE RESOLUTION. The civil rights office of a state agency shall establish voluntary mediation policies and procedures for resolving informal complaints of employment discrimination. The procedures must include using independent mediators approved by the director of civil rights.

Sec. 671.103. EXCEPTION: FORMAL COMPLAINTS. The civil rights office of a state agency has no responsibility for responding to a formal complaint of employment discrimination.

[Sections 671.104-671.150 reserved for expansion]

SUBCHAPTER D. REPORT; EXPIRATION

Sec. 671.151. REPORT TO LEGISLATURE. Not later than December 1, 2008, the Legislative Budget Board shall report the results of the pilot project established by this chapter to the speaker of the house of representatives and the lieutenant governor. The report must:

(1) compare the number of formal complaints of employment discrimination filed with or in relation to the state agencies participating in the pilot project before the pilot project was established and during the pilot program;

(2) compare the amount of money the state agencies participating in the pilot program spent in handling employment discrimination claims before the pilot program was established and during the pilot project, including costs of investigating claims and settling claims;

(3) make a recommendation on whether to implement the pilot project statewide; and

(4) recommend any legislation necessary to improve or expand the pilot project.

Sec. 671.152. EXPIRATION. This chapter expires September 1, 2009.

SECTION 2. This Act takes effect September 1, 2005.

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